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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ROBERT D. PENA,

9 Petitioner,

10 v.

11 JEFFREY A. UTTECHT,

12 Respondent.

Case No. C17-1918-RSM

ORDER OF DISMISSAL


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14 Having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler,
15 United States Magistrate Judge, any objections or responses to that, and the remaining record, the
16 Court finds and ORDERS:

- 17 (1) The Court ADOPTS the Report and Recommendation;
18 (2) Petitioner's petition for writ of habeas corpus is DENIED without an evidentiary
19 hearing, and this action is DISMISSED with prejudice;
20 (3) A certificate of appealability is DENIED as to all grounds for relief raised in this
21 action. *See* 28 U.S.C. § 2253(c); and

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ORDER OF DISMISSAL - 1

1 (4) The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

2 Dated this 16 day of October 2019.

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5 RICARDO S. MARTINEZ
6 CHIEF UNITED STATES DISTRICT JUDGE
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